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Barnett

# FOX against FOX!!!

OR

## Political Bloffoms

OF THE

RIGHT HON. CHARLES JAMES FOX;

*Selected from his Speeches in the House of Commons, on the  
Omnipotence of Parliament, in the appointment of the  
Ministers of the Crown.*

CONTRASTED

*With his PRESENT Arguments in favour of PREROGATIVE.  
SHewing how EASILY a STAUNCH WHIG may become  
a PROFESSED TORY.*

To which are added,

THE SPEECHES OF MR. PITT AND MR. FOX,  
On Wednesday December 10th, 1788, on the Subject of a  
REGENCY.

Embellished with a curious FRONTICEPIECE adapted to the  
occasion; and a DESIGN for the REVOLUTION PILLAR at  
RUNEMEDE.

---

A NEW EDITION.

With a POSTSCRIPT, containing an ANSWER to the

BRIEF DEDUCTIONS, &c.

---

The Honourable Gentleman should indeed lose the Name  
of "THE MAN OF THE PEOPLE."

Sir Richard Hill. *Debates*, 1783.

"Out of thine own Mouth will I condemn thee, thou wicked  
"Servant." Luke xix. 22.

---

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NUMBER  
OF 1901.

5197



## ADVERTISEMENT.

AS a striking Proof of the Political *Consistency* of the Right Hon. CHARLES JAMES FOX, and a clear Demonstration of the *Purity* of his *Principles*, in the Line of Conduct adopted by him on the Present State of Public Affairs, the following *Blossoms*, selected from his Speeches, delivered in the House of Commons, is most respectfully submitted to the Consideration of the People in general, and the Friends of that Gentleman in particular.



EXTRACT FROM MR. PITT'S SPEECH.

BUT it was not to be wondered at that the conduct of the Hon. Gentleman should be so inconsistent, when it was remembered how inconsistent all the measures of the party, of which he was the mouth, were in themselves, and how inconsistent the persons who composed that party were with one another. Still the pursuits of that party, however various and however contradictory, had one uniform tendency. Whether they reprobated on this day what they had approved in the preceding, or whether they abandoned a principle which they had before admitted; whether one individual differed from or coincided with the rest of his associates; still the effect of all their efforts, of all their perseverance, and of all their tergiversation, was to be the same—to embarrass and confound the measures of Administration, to embroil and disunite the affections of their fellow-subjects, to excite groundless alarms, and on those groundless alarms to foment the most dangerous discontents.

*Debates, 30th May, 1785.*



# P R E F A C E

TO THE

NEW EDITION

OF THE

POLITICAL BLOSSOMS.

**T**HAT the public at large may clearly comprehend the point at issue between Mr. Fox and Mr. Pitt, and be enabled to form a correct judgment upon it, the Editor thinks it incumbent on him to state that memorable event the glorious Revolution, and the true ground and principles upon which our ancestors acted. By the Constitution of England the government is vested in the King, Lords, and Commons. If either be wanting the Constitution would be at an end.

B

In

x P R E F A C E.

In 1688, King James having deserted his throne and departed the kingdom, the other two branches of the supreme power could do no act of legislature, and the Constitution was in danger of being dissolved. This vacancy of the Throne was a new event in politics, and therefore not provided for. The Lords and Commons thereupon met in convention in a full assembly as the guardians and representatives of the people, and came to the following resolution:

“ That King James II. having endeavoured to subvert the Constitution of the kingdom by breaking the original contract between King and People, and by the advice of jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of this kingdom, has abdicated the government, and that the Throne is thereby vacant.

The



# P R E F A C E. xi

The reasons upon which they decided may be found at large in the Parliamentary proceedings of the times.

The *Lords and Commons* having thus decided the single postulatam, the vacancy of the Throne, they filled up that vacancy by their declaration of 12th February 1688, as follows: That William and Mary, Prince and Princess of Orange, be, and be declared King and Queen, to hold the Crown and Royal Dignity during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be *only* in, and executed by, the said Prince of Orange, &c. &c. &c.

The *Lords and Commons* therefore settled the Crown, first on King William and Queen Mary, King James's eldest daughter, for their joint lives; then on the survivor; then on the issue of Queen Mary; upon failure of such issue, to the Princess Anne, King James's second daughter, and her issue; and lastly, on

B 2
failure

failure of that, to the issue of King William, who was the nephew as well as son-in-law of King James the Second, *in exclusion of the son and heir apparent of James the Second.*

These Princes, therefore, did not take the Crown by *hereditary right* or descent, but by donation or gift of the *Lords and Commons*, the guardians and representatives of the People, who, according to Mr. Justice Blackstone, p. 214, vol. 1, had the right of disposing of it in the event which had happened.

Mr. Justice Blackstone, who was a prerogative judge and lawyer, in his Commentaries, *fo.* 212, says, "Our ancestors  
" having most indisputably A COMPE-  
" TENT JURISDICTION TO DECIDE  
" this great and important question, and  
" having in fact decided it, it is now be-  
" come our duty at this distance of time  
" to acquiesce in their determination ;  
" being born under that establishment  
" which was built upon this foundation,  
" and

“and obliged by every tie, religious as  
 “well as civil, to maintain it.”

The great fundamental principle then of the Revolution being established by this authority of our ancestors, viz. that in the event of a vacancy of the Throne, which may happen by other means than abdication (as in the present case), the *Lords and Commons only* have the right of filling up that vacancy according to their discretion, in exclusion of an **H**eir Apparent, or any hereditary right whatsoever; the Public will try the issue between Mr. Fox and Mr. Pitt by this fundamental principle, and determine whether Mr. Fox or Mr. Pitt be the *Man of the Constitution*; which is the *Whig*, and which the *Tory*.

It should be remembered what the objections were, which the Tories and Jacobites urged against the Revolution, that the Public may see at one point of view the true distinction between *Tory* and *Whig*, or more properly *Revolutionist*.

The

The argument, as urged most forcibly, and given by Mr. Nelson, author of the "Feasts and Fasts," a very pious and learned gentleman of the Nonjuring party, turned upon this :

" That the laws made by the supreme  
 " power cannot otherwise than by the  
 " same be annulled : That this consisting  
 " of King, Lords, and Commons, whereof  
 " each hath a negative voice, no two of  
 " them can repeal or enact a law with-  
 " out consent of the third ; much less may  
 " any one be entirely excluded from its  
 " part of the legislature by a vote of the  
 " other two. That all these maxims were  
 " broke through and openly violated at  
 " the *Revolution* ; where an assembly  
 " of the NOBLES AND PEOPLE, not sum-  
 " moned by the King's writ (which was  
 " an essential part of the Constitution),  
 " and consequently no lawful meeting,  
 " did merely upon their *own authority*  
 " declare the King to have abdicated,  
 " the Throne vacant, and gave the Crown  
 " by

“ *by a vote to a nephew*, when there were  
 “ *three children to inherit*; although, by  
 “ the fundamental laws of the realm, the  
 “ *next heir is immediately to succeed*. Nei-  
 “ ther doth it appear how a Prince’s abd-  
 “ cation can make any other sort of va-  
 “ cancy in the Throne than would be  
 “ caused by his death, since he cannot ab-  
 “ dicate for his children, otherwise than  
 “ by his own consent in form to a Bill  
 “ from the two Houses.”

In answer to this, we must occur to first principles, such as are to be found of our Constitution as mentioned by *Mr. Locke*, and as established at the Revolution. In the first place, That all power is derived from the people; and the power itself being always in them, they may make or alter any form of government. That there is no natural right in one man to govern another but that is by institution, force, or consent.

That by the institution of this country the people are not bound by laws to  
 which

which they have not consented. That when a Prince was laid aside for mal-administration, the *Nobles and People*, if they thought it necessary for the public weal, did resume the administration of the supreme power, and did alter the succession and dispose of the chief magistracy to such persons as they thought fit. These principles being of the essence and the foundation of the proceedings of our ancestors at the Revolution, and there being a vacancy of the Throne by incapacity at this time, it may justly be asked, What hereditary right has the heir apparent of George the Third, which the heir apparent of James the Second had not, upon the vacancy occasioned by abdication? If there be such an indefeasible hereditary right to the throne (as Mr. Fox contends for) in the Prince of Wales, the *Lords and Commons* at the Revolution violated the constitution and robbed the heir apparent of James the Second of his birth-right. This is a conclusion naturally deducible

deducible from the facts, if the principle be, as Mr. Fox contends; and in such a case the Prince of Wales has a right to assume the government, as affirmed by Mr. Fox.

But if the revolution principle be right, that the *Lords and Commons* might defeat any such pretended right, and fill up the vacancy as they thought fit, and as they did in point of fact, then Mr. Fox's present principle is destructive of the Revolution, and stabs the most vital principle of that establishment. For this consequence follows, that King William was not legally placed on the Throne, and had no right whatsoever.

An attempt has since been made to soften down this assertion of the hereditary right of the Prince of Wales to take the reigns of government, and to modify it, by saying, it was meant only in case the Lords and Commons had not been sitting, as they are by the King's writ; and that the Lords and Commons are to

C

give



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give the possession to the Prince by a sentence or judgment, but have no controul over the right, now whether it be a hereditary claim which attaches on the Prince as heir apparent without the consent of the Lords and Commons, or in the modified way, that the Lords and Commons must invest him with the possession without controul, it comes to the same principle: because in either case, the right is insisted upon as not defeasible by the Lords and Commons; who are, as the lawyers express it, in the latter case, only made the mere conduit pipe, as a lord of the manor gives admission to an heir at law who has a legal title to that which the lord cannot deprive him of. This doctrine then is directly in the teeth of the Revolution, which reposes a discretionary power in the Lords and Commons to fill up the vacancy *in such a manner as they think fit.*

This right or claim of the Prince is likened to the case of a subject, where  
the

the father becomes incapable to manage his affairs ; and it is boldly assumed, that in such a case the Lord Chancellor is *bound* to give the next heir the management of the estate. Now I take the law to be clearly otherwise, that it is *discretionary*. It is a *trust* which is generally committed to the next heir, on a presumption that being most materially interested in the estate, he is most likely to take care of it, and preserve the inheritance from injury. But if the next heir was a profligate spendthrift, a drunken, mischievous, and indiscreet person, the Chancellor would put the care of the estate into other hands. What would be the consequence of a different principle and rule ? If the Chancellor were bound in all events to give such an heir the Committeehip of the estate, and it should be wasted, what would be the situation of the father when he recovered from his incapacity ? plundered and left to beggary. What equity, what justice, what re-

## xx P R E F A C E.

dress, against his heir? None; for it is insisted on to be his right, and who is to call him to account? By considering it as a trust which is committed to the next heir by the Chancellor upon *discretion*, when it appears that it cannot safely be entrusted to such hands, the Chancellor can then resume it, and place it in such hands as will preserve it for the true owner, when he shall be restored. This I contend is the law in the case of a subject; and the Revolution having established a discretionary power in the Lords and Commons, it is matter of astonishment how the contrary doctrine comes to be insisted on from the quarter it does.

It is not less singular than remarkable, that in the year 1788, a century after the Revolution, when the Whigs have so lately been celebrating that glorious event, and have voted a Pillar to be erected in commemoration of that event, that they with their great Leader (called the Man of the People) at their head, should, on a sudden,

sudden, turn short in their politics, make a sacrifice of their character, and overturn every principle of the Revolution. They must surely be shallow politicians, when the game was in their hands, to work the ruin of their own fame, and give Mr. Pitt the glorious opportunity of fixing his own; who may now, when it happens that the Regent shall think fit to change hands, retire and say, with Horace,

*Exegi monumentum ære perennius.*

There is yet one thing remaining, which must be referred to Casuists acquainted with matters of conscience; for it appears to be a point of which Mr. Pitt seems to have too great delicacy, according to the opinions of some political Doctors; and that is, how a man may, with a safe and good conscience, keep the *oath of abjuration*, and yet believe in Mr. Fox's doctrine of hereditary right in the Prince of Wales to assume the

the government. . It has been already observed, that if, by the Constitution of England, there exists any such right as that contended for in the present Prince of Wales, the same must have existed in the heir apparent of King James II. But by the oath of abjuration (which, it is presumed, Mr. Fox has taken), that right seems to be completely denied.

The words are as follow:

*J. A. B.* Do truly and sincerely acknowledge, profess, testify and declare, in my conscience, that our Sovereign Lord King George is lawful and rightful King of this realm, &c. And I do solemnly and sincerely declare, that *I do believe in my conscience, that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James the Second, and since his decease pretended to be, and took upon himself the stile and title of King of England, by the name of James the Third, &c. hath*  
any

P R E F A C E.   xxiii

*any right or title whatsoever to the Crown of this realm, &c. &c. &c.*

This oath appears to be the creed of all Whigs and Revolutionists, and the test by which Government meant to try the faith of all those persons in whom the public trust was reposed. It is the criterion by which the public may also try and determine the Jacobite and the Whig—Mr. Fox and Mr. Pitt.

This point of conscience is referred to the honest breast of every loyal subject, by their

very humble servant,

THE EDITOR.





# POLITICAL BLOSSOMS

OF THE

RIGHT HONOURABLE

CHARLES JAMES FOX.

---

April 24, 1780.

**T**HE *increased influence of the Crown* calls for *new and unprecedented* means of redress.

Same Day.

He trusted there was yet enough of weight, and power, in the House of Commons, to make good *its own resolutions*, and to carry them *into effect*; that the respect *in which the EXECUTIVE POWER held its advice* was too great to admit of a conduct *contrary to its wishes*.

D

Same

Same Day.

When he came into that House, he had been taught to consider the privileges of it as the *first and most necessary part of the constitution*; that House was the PALLADIUM of *British liberty*; there it was that the *rights of the people* were to be supported, and the *liberties of the people of England* were to be preserved.

Same Day.

He said the vote of the 6th of April, *that glorious vote*, which established a foundation for the liberty of this country, could not be carried into execution without agreeing to the present motion not to dissolve Parliament until the grievances of the people should be redressed. Those who had voted for it had entered into a bond with the people of England *to reduce the influence of the Crown*; and the penalty, in case of non-performance, was a forfeiture of the *affections* of the people of England.

May

May 8.

The people of England, in whom the sole right of the duration of Parliament lay, called upon that House to shorten it. The people made this requisition, a requisition *they ALON* could make, and which, like *every other* requisition that came from the same quarter, HE should ever hold himself bound *to comply with and to obey*.

Same Day.

If any of his constituents should ask him, what our present misfortunes were owing to, he should say the first cause *was the influence of the Crown*; the second, *the influence of the Crown*, and the third, *the influence of the Crown*; to that, and that only, in his mind, were our grievances to be ascribed.

November 20.

Mr. Fox replied to Mr. Rigby and Mr. Courtney, and ridiculed in poignant

D 2

terms

terms Mr. Rigby's expression of a doubt whether a day might not arrive, when Sir Fletcher Norton would repent of having changed his conduct, and taken a decisive part in support of the people, *against the influence of the Crown.* Mr. Fox also seconded Lord Mahon's idea of the *Civil List* of the King being *as much subject to the controul of Parliament* as any other part of the Public Revenue.

May 8, 1781.

An Hon. Gentleman who spoke lately under the gallery (Mr. Courteney) said, that in every government of a mixed or popular form, the middle rank of people were those whose voice ought to be more especially attended to. They were the true echo of the nation. This was an observation that indeed carried an appearance of truth and plausibility, but experience proved it to be totally fallacious. The sense of the people, or great  
body

## POLITICAL BLOSSOMS.

body of the nation, was, in HIS opinion, *the true criterion by which PUBLIC OPINION could be FAIRLY determined.*

May 30.

It surely was NOT *competent* (said Mr. Fox) *in the Crown*, to DECIDE on the *privileges of Parliament.*

Same Day.

There were men who taught *very pernicious doctrines*; men surrounding the Throne were anxious to insinuate, that the power and prosperity of the Crown were distinct and opposite to those of the subject. Such men alleged, and it was indeed a truth, that in war the power of the Crown is greater than it is in times of peace. But the power of the Crown, if not so great, WAS MORE GLORIOUS when it rested, in times of peace and prosperity, *in the CONSTITUTION, and on the AFFECTIONS OF THE PEOPLE.*

November

November 27.

There was one *grand domestic evil*, from which ALL our other evils, foreign and domestic, had sprung—THE INFLUENCE OF THE CROWN.

November 30.

Ministers had basely advised their Master to rule by the silent means of *intrigue*, instead of reigning in the *hearts* of the *people*: they had destroyed the DEMOCRACY of the CONSTITUTION, and all was now swallowed up in the MONARCHY!

January 23, 1782.

In every Government *there must be a confidence in the Servants of the Crown by the people*, or else the business of the State can never be carried on with any degree of success.

February 20, 1782.

The *majority* of the House of Commons ought (in his opinion) to be considered

## POLITICAL BLOSSOMS. 31

*sidered as containing the voice of the people!*

February 28.

Those Ministers who wished to make the Crown follow a plan of conduct *directly opposite to the advice of his faithful Commons*, were not friends to their country, and should be deemed CRIMINAL.

March 8.

He had declared, and he repeated the assertion, that he would be an infamous man who should, *on coming into place, abandon the principles and professions that he had made when out of place.*

Same Day.

In *this*, he was clear and decided—that the House of Commons ought to be, was originally intended to be—THE REPRESENTATIVES OF THE NATION.

Same Day.

The country were entitled to an Administration in which *they could place confidence.*

Same

Same Day.

He spoke of his idea of consulting the voice of the people *without doors*. It was clearly *his* opinion, that they *had a right*, and that they ought *to declare their opinion* of MEN and THINGS.

Same Day.

He would add, that when that House should become lost to its sense of duty, and abandon the rights of the people, so as to become *the passive instruments of the Crown*, then it might be justifiable for the people to revert *to the original principles of the Constitution*, and to *resume the direction of their own affairs*, so as to *prevent the popular weight in the scale of Government*.

July 9.

With respect to any fear of letting in the OLD Administration, there was *none*, he said, for THAT HOUSE *would not suffer it*.

December



December 5, 1782.

He had, in general, too great a respect for *Princes* to speak lightly of them; but there might be near the heart of every Prince a *longing after something*, which could not be removed but by the attainment of *that something*; and a thousand disappointments might not be able to convince him, *that his longing could never be gratified.*

Same Day.

He saw the Minister's intention; he meant to wound the liberties of the people, by rendering the House odious, thereby to *strengthen the power of the Crown*; a design as *alarming* as it was *insidious*!

Same Day.

The command of disinterestedness in the Minister, was a miserable attempt to gain popularity; and was, of all other ideas that could possibly be  
E imagined,

### 34 POLITICAL BLOSSOMS.

imagined, the most preposterous, and thrown out for the most preposterous purpose—to *invite the people to fly to the Treasury and the Crown*; thereby meaning to insinuate to the people, that they *could and ought to have no confidence in their representatives*, and that they must seek *protection in the Crown!* This was what he termed the most insidious attack that could be formed *against the Constitution.*

Same Day.

He had a confidence in the good sense and energy of the people of England, that they would *never* be brought hastily to *entertain suspicions of that House*; and *when they did, that they would not fly to the Crown for deliverance.*

December 18.

It was a most *convenient* thing indeed, for a man to have a conscience behind which he could shelter himself

POLITICAL BLOSSOMS. 35

self from whatever he did not like to face; and would permit him to act as it would best serve his purpose.

Same Day.

There always was a *willingness* or *bias* in the House of Commons to *support* the people; and HE would ever call this bias truly LAUDABLE, and shew, that no one *felt it more than HE did*.

February 19, 1783.

It is evident and clear, at least to me, that when a man has been baffled on one great political point, he will have recourse to *any* pretext to comfort and save himself from shame.

Same Day.

The House had a right to exercise their minds freely, and to determine for themselves on any point whatever.

February 21.

I have always been answerable to my country for my conduct; and I

E 2

think

### 36 POLITICAL BLOSSOMS.

think it most safe, in every public transaction, to resign my *private* opinion when I found it *departing from the general opinion*.

Same Day.

As I am convinced that no system can exist that is not supported by a *fair, consistent, and established* UNANIMITY, I shall always be happy to join with a party that may have *abilities and intentions* of promoting the general welfare.

Same Day.

The King by his prerogative possesses the right of ministerial appointment, yet let it be remembered, that the PEOPLE can by their privilege annul *that* appointment. It is only the CONFIDENCE of the PEOPLE *that gives effect to the springs of Government*.

Same Day.

No man ought to be the Minister of this country that has neither the *sanction* of the *people or Parliament*.

March

March 6, 1783.

What did the practice of promising pensions to persons taking upon them offices upon quitting the same lead to, but a most dangerous and alarming exercise of the influence of the Crown? By this means the Crown could always obtain an Administration *without the smallest regard to the sense of Parliament, or the confidence of the people.*

Same Day.

His Hon. Friend (Mr. Powys) had talked of those who avowed, who boasted, and who gloried in acting *independent of the public opinion.* If his Hon. Friend meant to allude to HIM, he was entirely mistaken. HE had neither avowed, boasted of, nor gloried in any such conduct; on the contrary, he maintained the very reverse idea; and he was not a little surpris'd to hear his Hon. Friend immediately afterwards confess, that he thought the Govern-  
ment

### 38 POLITICAL BLOSSOMS.

ment ought to go into such hands. He (Mr. Fox) had contended, and ever would contend, that no Ministers who acted *independent of the public opinion*, OUGHT TO BE EMPLOYED. The public opinion alone was the BASIS in HIS mind on which an Administration should be formed.

Same Day.

It had been argued, again and again, that the KING had a right to chuse his own Ministers. In that particular he rested on the *spirit* of the *constitution*, and *not* on the letter of it, and grounding his opinion on the *spirit* of the *constitution*, he ever had, and ever would maintain, that his Majesty, in his choice of Ministers, ought NOT to be influenced by his personal favor alone, BUT BY THE PUBLIC VOICE, by THE SENSE OF HIS PARLIAMENT, AND THE SENSE OF HIS PEOPLE.

March 24.

He declared he could never sit still and hear the name of Majesty brought forward

ward in debate. That House knew nothing of his Majesty's *private* feelings, or his Majesty's *private* opinions; they could suppose nothing about them. *Whatever* were his Majesty's private feelings or opinions, they were only known to his *own* royal breast.

March 28.

He did not think that any *new* power should be given to the Crown.

Same Day.

In speaking of the Constitution, he regarded it as one of its chief excellencies, that it involved a *renovating* principle in itself; and by being capable of repeated improvement, admitted the possibility of its being from time to time carried to a degree of perfection, beyond which no human idea could go.

Same Day.

It was the best Government, Mr. Fox said, where the PEOPLE had the greatest share in it.

Of

## 40 POLITICAL BLOSSOMS.

July 27.

Of all the influence of the Crown, he knew of no influence so much to be dreaded as the influence of terror. Those who professed themselves the warmest and most strenuous advocates for extending the influence of the Crown of another kind, were, he believed, as averse as he was to the influence of terror; because they knew, that if it were suffered to be exercised in one instance, it would be exercised in many others; and, in short, it would shake the whole kingdom. HE therefore was determined to resist it, whenever the attempt was made to exert it.

December 19.

He thought that the learned Gentleman (Sir William Dolben) who had studied the Constitution, ought to have known *that the voice of the House of Commons was the voice of the people of England!*

January



January 12, 1784.

But the Hon. Gentleman (Mr. Powys) still wishes for more coalitions. It had always been his idea that there were, in cases of political variance and objection, but two means to be used. The one was, in case of delinquency, to inflict public censure, and, where that was not pursued, public oblivion. This had been his motive in coalescing with the noble Lord (North), but in so doing, he had lost the good opinion of the Hon. Gentleman, a matter very dear to him. He had many great friends, however, who, agreeing with him in his idea, had their sentiments on other topics, and who might say to him, "What, would you listen to the invitation of this Hon. Gentleman, and coalesce with men *who support secret influence?* Would you coalesce with men who disdain to stand on the INFLUENCE, of GOOD OPINION, on the SENTIMENTS of the PEOPLE, on the CONFIDENCE of PARLIAMENT.

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" LIAMENT? Would you forget all the  
 " doctrines in which you have been  
 " bred? Will you creep into office by  
 " the back stairs, which you so loudly,  
 " and, as we think, so justly reprobate?  
 " or to take these men with whom you  
 " are invited to join, even on their best  
 " plea? Would you make part of an  
 " Administration which stands on the  
 " House of Lords, *in preference to the*  
 " HOUSE OF COMMONS? YOU, who have  
 " constantly reprobated *the principle of*  
 " *secret influence*; YOU, who have always  
 " declared that you could only pay re-  
 " spect or take a share in that Govern-  
 " ment *which flowed from the opinion of*  
 " *the* MANY, and not from the personal  
 " favour of the advising few; would  
 " you so far forget the habits in which  
 " you have been bred, as, at last, to coa-  
 " lesce with those *who have become the*  
 " *instruments of this* ACCURSED, ABHOR-  
 " RED SECRET INFLUENCE? We cannot  
 " believe YOU to be capable of such atroc-  
 " cious

"*cious apostacy from all principle.*" This, he imagined, would be their language; and he thought, though he might not go so far himself, they would be *perfectly justified* in this address to him.

January 14.

Mr. Fox said, he would take notice of a subject that had been strangely introduced into the debate: that of the Heir-Apparent's coming to that House to hear the debates, and make himself master of public business; a passion that was most laudable and virtuous! The Hon. Baronet who first mentioned this, talked of influence: *He forgot, the Prince of Wales, though the first subject in the kingdom, was but a subject.* He was the highest in the ladder of the peerage; as a viscount was higher than a baron, an earl than a viscount, a marquis than an earl, and a prince than a duke. *He had no prerogatives.* He could have no influence.

F 2

Same

Same Day.

The last Parliament, *to their immortal honour*, voted the influence of the Crown to be *inconsistent* with public liberty.

January 16.

When the Noble Lord (North) who sits near me, and who had governed the country for so long a period, at last found himself deserted by the House, and a majority of nine only in his favour, even in this situation he retired with becoming propriety and decency.

January 20.

The nation had now to see what had not been seen since the Revolution, an Administration in defiance of the House of Commons, and renewing as much as in them lay those distracted times before the Revolution, when to the misfortune of the nation the House of Commons were almost at variance with the executive power, obliged to maintain their rights against the

the prerogative of the Crown, which aimed at an alienation. He wished the sea which furrounded the island could prevent the shame of this country from reaching the nations on the Continent. He wished that the destruction of the government of this country could be kept from the knowledge of the dependencies of the British empire; or rather he wished that the constitution were secure, and that every thing were restored to peace and quiet at home, and rescued from the effects of private influence.

Same Day.

They should seriously reflect on this, and consider how like lovers of their country they must be, to render themselves instrumental in bringing on a contest, from which *the most melancholy consequences might be naturally expected.*

Same Day.

He was sure that there was not a man in that House who would lay his  
hand

## 46 POLITICAL BLOSSOMS.

hand upon his heart and say, and much less believe, that but for the struggle the House had lately made, any thing more than the shadow of liberty would have remained, or that the substance of it would not have been borne down *by the influence of the Crown.*

January 29.

He always expected to be told, that the prerogatives of the Crown were not to be restrained. He was the last man who would ever wish to see one of the three estates stripped of any of those powers with which it was legally invested. But were not *all those powers* originally given with a view to the public service?

Same Day.

He would insist on it, that Ministers were responsible to the House of Commons for the exercise of every prerogative belonging to the Crown. It was in the House of Commons, or by the People

## POLITICAL BLOSSOMS. 47.

People in their *original* capacity, that every exertion of those powers which distinguished the Sovereign of the empire were ultimately to be tried, and, in proportion as they answered the *primary* intention of their institution, be acquitted or condemned.

Same Day.

He had never renounced his allegiance to that House; he had never stood forth in opposition to its decisions the *avowed* and *unconstitutional* advocate of Royal prerogative.

Same Day.

He had never stood forth the avowed unconstitutional Champion of prerogative; he had never attempted to destroy the equality and importance of individuals, by trying them by their property, or had he ever dared to oppose the sense of the people by their representatives in Parliament.

Same

Same Day.

The Crown was endowed with no faculty whatever of a *private* nature; *all* its functions were instituted for public benefit.

Same Day.

He would not use the indecent language of calling any individual in that House a dictator. He trusted Parliament would ever prove equal to its own protection, especially against the ambition of its own Members. But he was not a little apprehensive that this enormous power *might one day be assumed by the Crown*. In the conduct of the Right Honourable Gentleman (Mr. Pitt), was immediately *to put the Crown in the situation of dictator to that House*.

February 5.

There was a settled design somewhere to render the Commons *subservient to the will of the Crown*, and consequently *useless to the constitution*.

Same



Same Day.

The difference between the Noble Lord (Mahon) and him was, that he contended *for the people's influence*, and his Lordship for that of the Crown.

Same Day.

The Minister's influence in that House depended on *what confidence* they had in him; HE was their *trustee*; to them he was responsible for every thing.

February 18.

Had not a majority of the House of Commons, almost from time immemorial, governed this country? Was it not a confidence in the House of Commons that gave energy and effect to every Administration? Was it not the *countenance* and *concurrence* of the *House of Commons* which gave popularity and stability to the throne?

G

Same

Same Day.

He trusted they would face the difficulties they had to surmount with resolution and dignity. They were in circumstances in which no House of Commons had been for many years; and as every thing about them must consequently bear a new aspect, their duty was deliberation and attention. The subject which demanded their consideration, was unquestionably one of the most serious and important that ever did, or ever could, demand their deliberation. It was neither less nor more than what it became them to do, under a circumstance so novel and unprecedented in the history of a free Parliament, as to destroy their consequence for ever, unless some method was devised by which their honour and independence could be saved.

Same Day.

We beheld a Ministry without the confidence of the House of Commons. An executive

executive government in which the House placed no degree of trust whatever. These persons who had advised it, had adopted a system of politics wholly inconsistent with the functions of this House, hostile indeed to the spirit and character of a free government. It was their evident intention to render the House of Commons the mere tool and organ of despotism, and he hoped the *spirit of a brave and free people would defeat the base design!*

Same Day.

They (the Ministry) make you exert your utmost endeavours to pull down this Asylum of Liberty, but you unavoidably involve yourselves in its ruin. If Ministers, therefore, are determined to trace the power of Parliament, and oppose their own personal feelings to the honor of the House, and the welfare of the people, they must abide by the consequences. The principles on which they act is an everlasting bar to any

G 2 . prospect

prospect of unanimity in this House. It had bore to HIS mind a menacing aspect to the liberties; not of the House only, but of the country. It affected that great vital of active principle in the Constitution on which all the privileges of Englishmen hung: and while that impediment remained, no safety could be expected. It placed an OCEAN between them which it was impossible to pass, and put every wish of supremacy or connection altogether out of the question.

#### Same Day.

The Princes on the Throne had respected that House, and their first and greatest glory had been to attend to its wishes, and listen to its advice. God forbid, he said, that those secret advisers to his Majesty should induce our present gracious Sovereign to be the first of his name and of his race to neglect the councils, and *turn aside from the advice of his faithful Commons.*

Same

March 1.

The people were the great source of all power—and their well-fare the sole object for which it was to be exerted: But who in this case were to be the judges? The House of Commons undoubtedly were competent to protect the rights of the people—to pronounce on whatever they deemed an encroachment on their privileges—and the moment they could not prevent every thing which struck them as such, they were not equal to the design of such an institution.

Same Day.

Their (the Minister's) object was to render the House a *more appendage of the Crown*.

Same Day.

On what was the existence of the Ministers founded? Was it possible to *mistake* their intentions? Were they not meant

meant to *annihilate* the House of Commons, *in complaisance to the Crown and the House of Lords?*

March 8.

It was not, he said, right that the Ministers of the country should be immediately dependent on the Crown, as it seemed now the fashion to assert they ought to be: If their study was to please the Crown, then Ministers it seemed were safe; but if they dared to do their duty, their own ruin was the certain consequence. It well became the House of Commons therefore not to suffer men to be disgraced and forsaken who had been thus strenuous in their duty. It was better, he said, to be a Courtier in France than in England;—for there the King's favour was the sole object; but here the Courtier must play a double part; for he must also *delude* or *enslave the House of Commons into obedience to the Crown and its secret advisers.*

Same

Same Day.

His Majesty and his Royal progenitors have been fixed in the hearts of their people, and have commanded the respect and admiration of all the nations of the earth *by a constant and uniform attention to the advice of their Commons.*

November 27, 1783.

Mr. Fox observed, that necessity had beendoesmed the tyrant's plea. He begged it to be remembered, that it was also the freeman's. To what did we owe the Revolution but to necessity? A necessity that superseded all law, and was the glorious means of giving liberty to England.

December 1.

Freedom, according to my conception of it, consists in the *safe and sacred possession* of a man's property, governed by laws defined and certain; with many personal priviledges, natural, civil and religious,

religious, *which he cannot surrender without ruin to himself, and of which to be deprived of by any other power is despotism.*

Same Day.

Much of my life has been employed to diminish the inordinate influence of the Crown in common with others; *I succeeded, and I glory in it!*

Same Day.

He tells me I out-*Herod Herod!*—that I am out-doing all my former out-doings; and proclaims me as the merciless and insatiate enemy of the influence of the Crown. Up starts another Honourable Gentleman with a charge the direct reverse! I have fought under your banner, cries the Honourable Gentleman, against that fell giant—the influence of the Crown. You have conquered through us; and now that victory is in your arms *you turn traitor to our cause!* and carry over your powers  
to



to the *Enemy*. Your attempts in erecting this monster exceed all the exertions of your former foes. Thus might you make the influence of the Crown a Collofusus that shall bestride the land. I impeach you for *treachery* to your antient principles.

Same Day.

And as to party-spirit,—that I feel it, that I have been ever under its impulse, and that I ever shall, is what I proclaim to the world. That I am one of a party—a party never known to sacrifice the interests, or barter the liberties of the nation, for personal emolument or honours; a party linked together upon principles which comprehend whatever is most dear and precious to freemen, and essential to a free constitution.

N. B. *This speech was made while he was at the head of the Coalition, and in a few weeks after the party had been turned out.*

H.

January

January 12, 1784.

*Let us preserve the beauty of our constitution, of that happy practicable equilibrium of republicanism, moderating the despotism of the one and the licentiousness of the other: that which was in theory proved to be fallacious, but which has been established since the revolution, so pure as well as so effectual.*

Every syllable virtually impeaches the establishment by which we sit in this House, in the enjoyment of this freedom, and of every other blessing of our Government. These kind of arguments are batteries against the main pillar of the British Constitution. *Some men are consistent with their own private opinions, and discover the inheritance of family maxims, when they question the principles of the Revolution. But I have no scruple in subscribing to the articles of that creed which produced it. Sovereigns are sacred, and reverence is due to every*

every King!—Yet with all my attachments to the person of a first magistrate, had *I lived* in the reign of *James the Second*, I should most certainly have contributed my little aids, and borne part in those illustrious struggles which vindicated an empire from HEREDITARY servitude, and recorded this valuable doctrine—**THAT TRUST ABUSED WAS REVOCABLE.**

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✱ The people at large shall now see with what dexterity Mr. Fox can convert A **TRUST REVOCABLE by the Lords and Commons** at the Revolution in 1688, into **HEREDITARY PREROGATIVE RIGHT** in the Prince, and **IR-REVOCABLE and UNCONTROULABLE** by the Lords and Commons in 1788.

H 2

They

## 5c POLITICAL BLOSSOMS.

They will in some of the following pages behold the *late boasted* MAN OF THE PEOPLE—the *pretended* CHAMPION of the Commons—the ATLAS of the Whigs,—blinded by the rising SUN of Power, and intoxicated with Hereditary Prerogative, exerting, like SAMPSON, all his force, to tear up the pillars of the State, and pull down that beautiful and celebrated structure of our ancestors—THE REVOLUTION!

From hence the people shall know the tree by its fruit—the juggler by his art; and view in full bloom the BLOSSOMS OF JACOBITISM ON THE FRUIT OF THE REVOLUTION.

*Speeches*

*Speeches of Mr. PITT and Mr. FOX, on the Subject of a REGENCY, taken from the Morning Herald of the 11th of December, 1788; a Paper avowedly in the Service of Opposition.*

#### COMMITTEE OF ENQUIRY.

Mr. Pitt observed, that as the paper which had just been read had fully informed the House of the melancholy situation of His Majesty, so it also held forth the best hopes to a loyal and anxious people; but however sanguine those hopes may be, it was the duty of that House, proceeding in such case with the most respectful regret, to take such intermediate steps as were necessary for the public safety. They would act, he trusted, in such a manner as would convince the Sovereign on his recovery, whenever that period should arrive, that the people whom he had so long loved and ruled, were not neglected at the time when he laboured under the severest visitation of Providence. For this purpose it was necessary to recur to the wisdom of past ages, and to examine how it was determined by the Constitution, in any interruption of the personal exercise of the sovereignty, that the deficiency should be supplied. The expediency of this measure was, he trusted, so obvious, that he should not use any arguments in its support, unless (what he could scarcely apprehend) it should meet with an opposition. He then moved, "That a Committee should be appointed to enquire into the proceedings in cases of the personal exercise of Royal Authority being interrupted."

“ rupted by absence, incapacity, or infirmity; with the  
 “ remedies provided for the same.”

When this Resolution was read from the Chair,

Mr. Fox immediately arose: He had not, he said, the good fortune to concur in the propriety of the present motion, yet he did not mean to give it any opposition. After the weighty information which they had just received, there was certainly no time for delay; and after the time which had lapsed, though perhaps it was not lost, the House was undoubtedly pressed to come to a decision. He could therefore dispense with the present enquiry, which could tend only to loss of time. The researches to be made were not confined to the Journals of the House; they were to be extended to the history of these realms. Of that history every person in that House must be supposed to possess a competent knowledge, and they must therefore know, that there was *no precedent to be found* which was applicable to the present occasion. There was now a person in this realm standing in a situation wholly differing from any instance that could be adduced—an *heir apparent* of full age, of full capacity, and in every respect fully qualified for the situation in which he was destined to act. This was an incitement to all becoming speed, and this was the moment in which they were called for the first time to decide. The report of the Privy Council he did not consider as coming properly before that House, and therefore until the present report was read, they must be considered as being without any authentic information on the subject. This was the precise point of time in which they began to act, and standing in this situation, their incitements would undoubtedly be more strong, if they thought, as he trusted

trusted a majority of the House must think, that the subject was not a matter for their deliberation. He for his part was of opinion, that the PRINCE OF WALES, on the civil demise of his Royal Father, had a *full, clear, and perfect* RIGHT to exercise every function of Government in his name, and in the same manner as if the Sovereign had been naturally demised; that right commencing from the instant that His Majesty became incapable, and continuing as long as that incapacity existed. If the Prince did not instantly assume those powers, to which, from analogy, and from history, and from the spirit of our constitution, he was clearly entitled; if he acted in a manner more suited to his character and education, more suited to those principles which first placed his ancestors on the Throne, that moderation should be their strongest incitement. In the deference and forbearance of the Prince, they were not to forget his *claim of right*. In all their observations they should remember, that there was such a claim existing, and it should serve to hasten their decisions, as far as was consistent with the magnitude of the occasion.

There was an omission, Mr. Fox observed, in the resolution proposed, which should have been---to examine into the "Parliamentary" Proceedings; as it was on these alone that their decision could be founded. But as this might perhaps be thought to narrow the ground of enquiry, and as unanimity was so very desirable in the present instance, he should not interrupt their progress by pressing this amendment.

Of the report on the table, he observed, that it contained in fact no more than that which had been laid before the Privy Council. From each there were *three* principal points deducible; namely,

That

That his Majesty was at present incapable of any attention to public business;

That there were happily strong hopes of his recovery;

But that no degree of knowledge or experience could afford them any light as to the time when that recovery might naturally be expected.

These facts admitted, were to form the *substratum* of their future proceedings: different persons might dwell on particular words, but it was on their admissions that the superstructure was to be raised. On the completion of which, that House and the nation were so deeply interested.

Mr. *Pitt* commenced a very warm reply, by observing, that if any person had entertained a doubt of the propriety of such a Committee as he had proposed, the Right Hon. Gentleman opposite had furnished in his arguments the strongest proof of its necessity. He was ready to acknowledge the splendor of his abilities; he admitted his *theoretical* information, even at the time when they differed in point of *practice*; but he could not possibly admit of the doctrine which had been now laid down. He could by no means admit that in a reference to past times there was no case in point with that now before the House. In every interruption of the personal exercise of the Royal powers it rested with Parliament to determine in whom it should be vested. To maintain the contrary opinion, to say that the other branches of the Constitution were not to be consulted, but a right of sovereignty instantly devolved to any persons was *little less* than TREASON!!! With respect to the present instance, he should be ready on a future occasion to state his opinion of the steps necessary to be taken. He should content



tent himself at present with saying, that every instance of Parliamentary interference on an interruption of the executive government, was to his mind a case entirely in point; that whatever may be the *discretion* of Parliament with respect to the disposition of those powers, their right to dispose of them was undoubted; and that until the sanction of Parliament was obtained—THE PRINCE OF WALES HAD NO MORE RIGHT TO EXERCISE THE POWERS OF GOVERNMENT THAN ANY OTHER PERSON IN THESE REALMS.

This position Mr. Pitt put into a variety of lights, but in each his inference was still the same—that the Prince of Wales had *no right* to the executive powers without the sanction of Parliament! He then proceeded to vindicate himself from the imputation of delay. The first communication, he contended, had been given as soon, and the adjournments made as briefly, as possible. They could not before ascertain the state of his Majesty's health; and having done that, their next step was to ascertain their own rights. The question before the House was of a nature the most momentous, whether they regarded the honour of the Sovereign, or the safety of the people. They would therefore, he trusted, conduct themselves according to the usage and laws of Parliament, without attending to doctrines which militated against every principle of the constitution, and against its spirit, since it could be regarded as having taken a shape and name.

Mr. Fox replied, that either the Right Hon. Gentleman had misunderstood him, or that he had rested himself on the use of an equivocal word. If it was meant that the sovereignty should be settled in all cases by Par-

*liament*—meaning thereby the King, Lords, and Commons, he should readily agree to the principles which had been laid down. But if the same was alledged of the two Houses acting without the kingly sanction, the reverse of those principles was the truth. They were in that state maintained of their powers;—they could pass no law, but were to await the operation either of some provisional statute, or of the principles of the Constitution as they had been generally laid down. If they proceeded to regulate, or to limit the bounds of the executive power, they acted contrary to the spirit and to the letter of the Constitution. This was the law, as laid down by the statutes of the realm; and if he maintained the contrary of this doctrine, the Attorney General should, in duty, prosecute him for treason, and he must incur all the penalties of a *Premure*. If this was the language deemed *treasonable*, he should repeat in so many words—that the PRINCE OF WALES, in his opinion, stood possessed of the sovereign power, by virtue of the *civil* demise, in the manner as he would have done by the natural demise of his father, and as independently of any interference of Parliament.—But when this last word was so often repeated, it should be recollected, that a question might be put, whether they sat as a *Parliament*, or merely as a *Convention*. If as the latter, they were of course no perfect Parliament; and former Conventions, whose meetings we justified by necessity and to whom we owe every thing we hold dear, were too wise either to take the name of Parliament, or to attempt any measures until they had restored that third branch of the Constitution to which it owes its form and energy. He did not stand up to justify the exploded doctrines of a “divine and indefeasible

indefeasible right," he knew of none such existing in the Constitution. The Crown was hereditary, but the executive government was not. The former was hereditary for the benefit of the people, and to preclude the evils of an elective sovereignty; the latter was not, because it would be incompatible with the spirit of our Constitution.

### THE REVOLUTION PILLAR 1788



**RUNEMEDE**

I a

Mr.

Mr. Pitt said, that the issue was now settled on which this controversy may be debated on a future day. He had denied that the Prince of Wales possessed any right of government independently of the authority of Parliament, and he would still continue to deny that any such right existed. He would admit that if the King had been *naturally* demised, there could have been no question as to the right of the Heir Apparent; but the cases were, in his opinion, to be distinguished, and on such an interruption of the executive power as the present, no right could devolve, but with the authority of the remaining branches of the Legislature.

Mr. Pitt said, that when the Right Hon. Gentleman who had last spoken, stood forward as the advocate and specimen of moderation, he was undoubtedly entitled to every respect. If therefore he had before spoken with any intemperance, he could now coolly and gravely assure him, that what he had said was the result of mature reflection, and that he was not disposed to retract a single syllable. He would on the contrary repeat it, as his opinion under the present circumstances—"that the Prince of Wales, in point of *right*, whatever he might claim from the *discretion* of Parliament, had no more claim to hold the executive government of this country than any other subject whatsoever!"—If Mr. Somers, he would ask, or any other of the supporters of the Revolution, had held this language at that era, would it therefore have been that he meant thereby to have put himself in competition with, or exclude the rightful claims of his Prince, William the Third?—The language was, on the contrary that of the Constitution, which as such he should be always proud to repeat.

*Extracts*

*Extracts from Judge Blackstone's Commentaries,*

Vol. I. p. 210, 211.

IT appears from the highest authority this nation is acquainted with, that the Crown of England hath ever been an hereditary Crown, *though subject to limitations by Parliament*. The first instance is the famous Bill of Exclusion in the latter end of King Charles the Second's reign. The purport of the Bill was to have set aside the King's brother and presumptive heir, the Duke of York, on the score of his being a Papist; it passed the House of Commons, but was rejected by the Lords. From this transaction we may collect two things; first, that the Crown was universally acknowledged to be hereditary, and the inheritance indefeasible, *unless by Parliament*. Secondly, that the Parliament had a power to have defeated the inheritance, else such a Bill had been ineffectual. The Lords did not dispute the power, but the propriety.

The true ground and principle upon which that memorable event (the Revolution in 1688) proceeded, was an entirely new case in politics. It was not a defeazance of the right of succession, and a new limitation of the Crown by the King and both Houses of Parliament; it was the act of the nation alone, upon conviction that there was no King in being.

*Blackstone's Commentaries, 212.* Whenever a question arises between the society at large and any magistrate vested with powers originally delegated by that society, it must be decided by the voice of the society itself; there is not upon earth any other tribunal to resort to. And that these consequences were fairly deduced from

from these facts our ancestors have solemnly determined in a full parliamentary convention, representing the whole society.

214. He says, If the Throne be at any time vacant, which may happen *by other means* besides that of abdication; if, I say, a vacancy by *any means whatsoever* should happen, the right of disposing of this vacancy seems naturally to result to the *Lords and Commons*, the Trustees and Representatives of the Nation. For there are no other hands in which it can so properly be intrusted, and there is a necessity of its being intrusted somewhere; else the whole frame of government must be dissolved and perish. The Lords and Commons having therefore determined this main fundamental article, they proceeded to fill up the vacancy in such manner as they judged the most proper,

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*Extract from the Works of Doctor Swift, Dean of St. Patrick's.*

“ There are two questions to be considered, first, Whether upon the foot of our constitution, as it stood in the reign of the late King *James*, a King of *England* may be deposed? The second is, Whether the people of *England*, convened by their own authority, after the King had withdrawn himself in the manner he did, had power to alter the succession?

As for the first, it is a point I shall not presume to determine, and shall therefore only say, that to any man who holds the negative, I would demand the liberty of putting

putting the case as strongly as I please. I will suppose a Prince, limited by laws like ours, yet running into a thousand caprices of cruelty, like *Nero* or *Caligula*; I will suppose him to murder his mother and his wife, to commit incest, to ravish matrons, to blow up the senate, and burn his metropolis, openly to renounce God and Christ, and worship the devil; these and the like exorbitances, are in the power of a single person to commit without the advice of a Ministry, or assistance of an army. And if such a King as I have described cannot be deposed but by his own consent in Parliament, I do not well see how he can be *resisted*, or what can be meant by a *limited* monarchy; or what signifies the people's consent in making and repealing laws, if the person who administers hath no tie but conscience, and is answerable to none but God. I desire no stronger proof of an opinion being false, than to find very great absurdities annexed to it, and there cannot be greater than in the present case, for it is not a bare speculation that Kings may run into such enormities as are abovementioned; the practice may be proved by examples, not only drawn from the first *Cæsars*, or later Emperors, but many modern Princes of Europe, such as *Peter the Cruel*, *Phillip the Second of Spain*, *John Basilovits of Muscovy*, and in our own nation, *King John*, *Richard the Third*, and *Henry the Eighth*. But there cannot be equal absurdities supposed in maintaining the contrary opinion, because it is certain that Princes have it in their power to keep a majority on their side by any tolerable Administration, till provoked by continual oppressions; no man, indeed, can then answer where the madness of the people will stop.

As

As to the second part of the objection, whether the people of *England* convened by their own authority, upon King *James's* precipitate departure, had power to alter the succession?

In answer to this, I think it is manifest, from the practice of the wisest nations, and who seem to have had the truest notions of freedom, that, when a Prince was laid aside for mal-administration, the nobles and people, they thought it necessary for the public weal, did resume the administration of the supreme power (the power itself having always been in them), and did not only alter the succession, but often the very form of government too, because they believed there was no natural right in one man to govern another, but that all was by institution, force, or consent. Thus the cities of *Greece*, when they drove out their tyrannical Kings, either chose others from a new family, or abolished the kingly government, and became free states. Thus the *Romans*, upon the expulsion of *Tarquin*, found it inconvenient for them to be subject any longer to the pride, the lust, the cruelty, and arbitrary will of single persons, and therefore by general consent entirely altered the whole frame of their government. Nor do I find the proceedings of either in this point to have been condemned by any Historian of the succeeding ages.

But a great deal hath been already said by other writers upon this invidious and beaten subject; therefore I shall let it fall, though the point is commonly mistaken, especially by the *lawyers*, who, of all others, seem least to understand the nature of Government in general; like under workmen, who are expert enough at making a single wheel



wheel in a clock, but are utterly ignorant how to adjust the several parts, or regulate the movements.

To return, therefore, from this digression, it is a *Church of England man's opinion*, that the freedom of a nation consists in an absolute *unlimited legislative power*, wherein the whole body of the people are fairly represented, and in an *executive duly limited*; because on this side likewise there may be dangerous degrees, and a very ill extreme. For when two parties in a State are pretty equal in *power*, *pretensions*, *merits*, and *virtue* (for these two last are, with relation to parties and a Court, quite different things), it hath been the opinion of the best writers upon Government, that a Prince ought not in any sort to be under the guidance or influence of either, because he declines by this means from his office of presiding over the *whole*, to be the head of a *party*, which, besides the indignity, renders him answerable for all public mismanagements, and the consequences of them; and in whatever state this happens, there must either be a weakness in the Prince, or Ministry.

K

ANSWER



A N S W E R  
TO THE  
BRIEF DEDUCTIONS, &c.  
IN A  
P O S T S C R I P T  
TO  
P O L I T I C A L B L O S S O M S.

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A D V E R T I S E M E N T.

*THE writer of the following Postscript, in answer to the Author of the "Brief Deductions," &c. did not see that production till Sunday night at 10 o'clock; and the following Postscript was the result of three hours immediate labour, which will, he hopes, be a sufficient apology for any incorrectness in the performance.*

Monday Morning,  
22d Dec. 1788.

P O S T S C R I P T.

## P O S T S C R I P T.

SINCE the publication of this pamphlet, a very curious publication has made its appearance, under the title of "*Brief Deductions relative to the aid and supply of the executive power, according to the law of the land, in cases of infancy, delirium, or other incapacity of the King.*" The Author of this imperfect sketch of ideas (as he justly expresses himself) tells us, he is a professional man, and that he has "insufficiently and imperfectly investigated the law of the land on this very interesting question."

The Editor presumes he is one of that *unlearned profession*, as Lord Bolingbroke calls it, who of all others seems least to understand the nature of Government in general; and who, as *Swift* says, like an underworkman, expert enough at making a single wheel, but utterly ignorant how to adjust the several parts, or regulate the movements of Government.

The Author of the *Brief Deductions, &c.* seems to be one of these underworkmen, who attempts to regulate the movements of Government at this moment, but shews himself utterly ignorant of the principles even of his own profession. While he attempts to shew others the way, he is so confused, that he leaves them in the lurch, without one single ray of sense or principle to explore the labyrinth of his confused Deductions.

He tells us, first, that *till the two Houses of Parliament* appoint a Regency to act for the King, the executive power is lodged—where—either in the whole Peerage, or the *consilium ordinarium, &c.* if it exists—or in the

the *existing* Privy Council, till the Lords are assembled in Parliament: that is, in other words, it is in this, that, or the other—but which we must find out.

It is generally said, that law is the perfection of reason, and usually defined and settled upon some certain principle: but this Gentleman seems to be involved in his own obscurity, and *glorious uncertainty*, of professional ideas.

A man of plain common sense would naturally ask, Why the two Houses of Parliament, as the learned Gentleman calls them, but as we more properly say, the Lords and Commons, as the guardians and representatives of the people, have not the power to appoint the Regent with such powers as they think fit; why, I say, the Lords and Commons cannot, by their own power and authority, order that to be done, as well as delegate an authority to a Commissioner to do it. The Lords and Commons are the Grand Council of the nation, into whose hands the power and the right of supplying the deficiency devolves; and every man will naturally look to them for the exercise of such power and right, unless they can find any Act of Parliament or Common Law institution to the contrary. The people will never look to the Peerage where they are not represented, nor will the Peers look to a Privy Council who may or may not exist, as the learned Gentleman supposes; for these are but as the inferior wheels of the State; the supreme power being in the Lords and Commons during the incapacity of the First Magistrate. Nothing can be more absurd than to suppose, that an inferior Council (unless by positive institution) should have a power or right preferable to the supreme. It would have been more satisfactory to the Public, if the Gentleman had told us to what authority we might look for his Deductions, according to the law of the land, instead of supplying them from Utopia.

It

It is a known maxim of law, that *in the King is no minority*. It hath been usually thought prudent, when the heir apparent has been very young, to appoint a Protector, Guardian, or *Regent*, for a limited time : but the very necessity of such extraordinary provision is sufficient to demonstrate the truth of that maxim, and therefore he hath no legal guardian. Mr. Justice Blackstone says, "Neither can the King in judgment of law, as King, ever be a minor, or under age ; and therefore his royal grants and assents to acts of Parliament are good, though he has not in his natural capacity attained the legal age of twenty-one."—Finch's law, 82.

Where this Gentleman, therefore, has found *his law*, that in the case of the infancy of the King, the executive power is in the Peerage or Privy Council, is difficult to determine.

Mr. Justice Blackstone in his Commentaries says, "The methods of appointing this Guardian or Regent have been so various, and the duration of his power so uncertain, that from thence alone it may be collected, that *office is unknown to the Common Law*, and therefore (as Sir Edward Coke says, 4th Institute, 58) the surest way is to have him made by *authority of the Great Council in Parliament*, which indisputably are the Lords and Commons."

The second proposition, "That either the Council of Peerage, or the *consilium ordinarium*, or the Privy Council, have the controul over the Great and Privy Seal, and may use them in assembling Parliament," &c. is involved in the first proposition, which appears to be ill founded, and consequently the second not maintainable.

The third proposition (as it is called) is such a wild jargon of ideas, that it is impossible to find any true proposition in it.

Every

Every man knows that without the King, or his Representative, there can be no Parliament, nor legislative act done; because he is an essential part of the Constitution, which consists of King, Lords, and Commons.—But it is equally clear, that in the case of incapacity of the King, the Constitution must be dissolved; unless the Lords and Commons, in Convention, place the executive power in some hands, as they did at the Revolution. And we may bid defiance to this learned Gentleman to produce any Law opinion of Lord Coke or Lord Hale to the contrary, or to shew any other *legal* mode of creating a Representative for the King. When the Lords and Commons have from the necessity of the case supplied that executive power by appointing a Regent or Guardian during the incapacity, such Regent may meet the Lords and Commons, and then they become a Parliament.

The learned Gentleman impute errors to the Lords and Commons in their proceedings, like the drunken man, who thinks all the world is turning round, but cannot find out it is his own giddiness.—He says, “it was a great error in the case now depending, not to have appointed a Commissioner for representing the King, and for holding the Parliament *previous to the meeting on the prorogation*.—It was also, as it strikes him, a continuance of this error, that the two Houses have acted as if the Parliament was compleat.”

The poor Gentleman seems wandering himself, and very-nearly in his delirium. Who does he suppose ought to have appointed this Commissioner? Not the two Houses—because they could not meet before the time to which they were prorogued by the King. In whom is the power vested—Is it in the Council of Peerage, the *consilium ordinarium*, or the Privy Council? If so, where does he find his authority, and who are to summon these  
Councils,

Councils, and which of them are to determine? If the Lords and Commons are to appoint this Commissioner to represent the King, then the Commissioner is to call a meeting of Parliament, to appoint another Representative of the King, called a Regent; this would be *imperium in imperio et sancho* in the land of Quixotism. For if the Lords and Commons may appoint a Commissioner to represent the King, they may appoint a Regent in the first instance, with power to act in the King's name.

Such a Constitution would not outlast the day it is born in; and the introduction of this Commissioner, would be like *Cato* coming into the Theatre,—only to go out again.

The other assertion, that the two Houses have acted as if the Parliament was compleat—can only exist in the Author's brain—for if the Parliament was compleat, there would be no necessity to appoint a Regent.

The fourth proposition is equally absurd—He says—“When Parliament, is thus assembled, with such a Commissioner to represent the King, and to make the Parliament compleat, it rests with the two Houses in a parliamentary way to substitute a *permanent* supply of the executive power in the place of that immediate supply.” Now, if the Commissioner, with the two Houses, make the Parliament compleat, there is no need of any other supply, because the executive power is exercised by the Commissioner until the King is restored; and there can be no *permanent* supply but by declaring the Prince King.

The learned Gentleman presently contradicts all he has said; for the sixth and seventh propositions maintain, that “the *two Houses* of Parliament *have usually exercised their discretion* in constituting a Joint Regency, sometimes with a Protector and principal Counsellor at the head—



"head—sometimes without." What is become of the Commissioner which he just now introduced and thought necessary to the choice of a Regent?

Eighthly, he says, "*All, or almost all, the precedents of former times will be found to be in favour of vesting the entire executive power in the intended Regent, without restriction or limitation as to creating peers, granting offices, &c.*"

Because he considers the precedents of a capable king making a *custos regni* during "his absence from the realm" as not fairly applicable." Now it seems, that the last precedent is the only case fairly applicable to the present. For it is but a temporary absence of mind under which the Chief Magistrate labours; and as soon as he returns to his mind, like the capable king to his realm, he assumes the whole executive power again.—The reasons given by the learned Gentleman against restricting the Regent as to creating peers, operates the other way in favour of restriction; namely, the indelicacy and disrespect to the person whose sole right it is. For it is vested *only in the King by the Constitution of England*; and, as a Regent is not the King, but holds the executive power only in *Trust* for the King and the people, he ought to be restrained from exercising that part of the prerogative which is perfectly unnecessary for the purposes of government. If the Regent then be restrained from this portion of prerogative, I am perfectly at a loss to find out those consequences which the learned Author says must follow, viz. that it will let in the two Houses of Parliament into a participation of executive government, and into the exercise of the regal prerogative. To participate in what a man has not, is new.

I know not by what logic the Gentleman makes his Deductions; but if he can give us no better specimens of his reasoning than he has of his knowledge of the Constitution, he would do well to attend to his private affairs;

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and if he is inclined to promulgate his Utopian system and laws, he may amuse himself and his *little Senate* at home.

We are not at this time to look to precedents of *former times* before the Constitution was settled, but to those of later times, if any can be found. But it is admitted on all hands, that the case is new in politics, and never existed before; consequently the Public can only reason from analogy and the principles of the Constitution as at present established.

We have heard Mr. Fox loudly proclaim how necessary it was to pare the nails of the old Lion, and restrain the power of the Crown, that it may do no mischief to the people; why then should the *young Lion* be left without restraint, who is more likely to be wanton with power, and give more reason for alarm than the old Lion who is grown tame by his limited habits. In short, it is the duty of the Lords and Commons, upon whom the right of supplying the executive power devolves, in the present emergency, as at the Revolution—to take care of the rights of the people, and those prerogatives which they are bound to preserve for the King when he shall be restored to us; and in committing that trust to the Regent, lay such restrictions upon him, as may prevent any diminution of the King's rights or mal-administration of the State. In short, the whole is reduced to a point of discretion.

☛ THE LION IS AT the DOOR—Shall we open it, and let him loose upon the people; or,—shall we shut the door and keep him fast, that he does no mischief?

F I N I S.







